

LEGISLATURE OF NEBRASKA

NINETY-NINTH LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 895

Introduced by Langemeier, 23

Read first time January 5, 2006

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to commercial drivers' licenses; to amend
2 sections 60-4,139 and 60-4,142, Reissue Revised Statutes
3 of Nebraska, and sections 60-462 and 60-465, Revised
4 Statutes Supplement, 2005; to create an exception
5 for military personnel; to authorize operation of a
6 commercial motor vehicle by holders of licenses from
7 certain jurisdictions; to change provisions relating to
8 LPC-learner's permits; to harmonize provisions; and to
9 repeal the original sections.
10 Be it enacted by the people of the State of Nebraska,

1 Section 1. Sections 60-462.01 and 60-4,132 to 60-4,172
2 shall not apply to uniformed military personnel operating military
3 vehicles, including active duty military personnel, members of the
4 military reserves, active duty United States Coast Guard personnel,
5 and members of the National Guard on active duty or in active
6 service of the state as defined in section 55-104. For purposes
7 of this section, members of the National Guard on active duty or
8 inactive service includes personnel on full-time National Guard
9 duty, personnel on part-time National Guard training, and National
10 Guard military technicians.

11 Sec. 2. Section 60-462, Revised Statutes Supplement,
12 2005, is amended to read:

13 60-462 Sections 60-462 to 60-4,188 and section 1 of this
14 act shall be known and may be cited as the Motor Vehicle Operator's
15 License Act.

16 Sec. 3. Section 60-465, Revised Statutes Supplement,
17 2005, is amended to read:

18 60-465 (1) Commercial motor vehicle means a motor vehicle
19 or combination of motor vehicles used in commerce to transport
20 passengers or property if the motor vehicle:

21 (a) Has a gross combination weight rating of eleven
22 thousand seven hundred ninety-four kilograms or more (twenty-six
23 thousand one pounds or more) inclusive of a towed unit with a
24 gross vehicle weight rating of more than four thousand five hundred
25 thirty-six kilograms (ten thousand pounds);

1 (b) Has a gross vehicle weight rating of eleven thousand
2 seven hundred ninety-four or more kilograms (twenty-six thousand
3 one pounds or more);

4 (c) Is designed to transport sixteen or more passengers,
5 including the driver; or

6 (d) Is of any size and is used in the transportation of
7 materials found to be hazardous for the purposes of the federal
8 Hazardous Materials Transportation Act and which require the motor
9 vehicle to be placarded under the federal Hazardous Material
10 Regulations, 49 C.F.R. part 172, subpart F.

11 (2) Commercial motor vehicle does not include (a) a farm
12 truck as defined in section 60-325 other than a combination of
13 truck-tractors and semitrailers when such farm truck is operated
14 within one hundred fifty miles of the registered owner's farm or
15 ranch, (b) any recreational vehicle as defined in section 60-347
16 or motor vehicle towing a cabin trailer as defined in sections
17 60-314 and 60-339, (c) any emergency vehicle operated by a public
18 or volunteer fire department, or (d) any motor vehicle owned or
19 operated by the United States Department of Defense or Nebraska
20 National Guard when such motor vehicle is driven by ~~uniformed,~~
21 ~~military operators performing duty in the active service of the~~
22 ~~United States or this state~~ persons identified in section 1 of this
23 act.

24 Sec. 4. Section 60-4,139, Reissue Revised Statutes of
25 Nebraska, is amended to read:

1 60-4,139 Any nonresident may operate a commercial motor
2 vehicle upon the highways of this state if (1) such nonresident
3 has in his or her immediate possession a valid commercial driver's
4 license or LPC-learner's permit issued by his or her state of
5 residence or by a jurisdiction with standards that are in accord
6 with 49 C.F.R. part 383 or an LPC-learner's permit issued by
7 this state, (2) the license or permit is not suspended, revoked,
8 or canceled, and (3) such nonresident is not disqualified from
9 operating a commercial motor vehicle.

10 Sec. 5. Section 60-4,142, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 60-4,142 Any resident ~~of this state or person attending~~
13 ~~a school of training for commercial motor vehicle driving that is~~
14 ~~located in this state~~ may obtain, on a form to be prescribed by
15 the director, an LPC-learner's permit from the county treasurer
16 by making application to an examiner of the Department of Motor
17 Vehicles. An applicant shall present proof to the examiner that
18 he or she holds a valid Class O license or commercial driver's
19 license ~~issued by this state or a comparable license issued by~~
20 ~~his or her state of residence~~ or shall successfully complete
21 the requirements for the Class O license before an LPC-learner's
22 permit is issued. An applicant shall also successfully complete
23 the commercial driver's license general knowledge examination under
24 section 60-4,155. Upon application, the examination may be waived
25 if the applicant presents a Nebraska commercial driver's license

1 which is valid or has been expired for less than one year, presents
2 a valid commercial driver's license from another state, or is
3 renewing an LPC-learner's permit. The LPC-learner's permit shall be
4 valid for a period of six months and shall be renewed only once
5 within any two-year period. The county treasurer shall charge the
6 fee prescribed in section 60-4,115 for the issuance or renewal of
7 an LPC-learner's permit.

8 Sec. 6. Original sections 60-4,139 and 60-4,142, Reissue
9 Revised Statutes of Nebraska, and sections 60-462 and 60-465,
10 Revised Statutes Supplement, 2005, are repealed.